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**REMARKS****Status of Claims**

Upon entry of this amendment, claims 1-18 and 20-30 will remain pending, claims 1, 2, 6, 7, 9, 12, 15, and 16 being independent.

**Summary of the Final Office Action**

Claims 1-6, 13-18, and 20-27 are allowed.

Claims 7-12 and 28-30 are rejected under 35 USC §103(a) as being unpatentable over MYERS et al. (U.S. Patent No. 5,735,536, hereinafter "MYERS") in view of MacDONNELL (U.S. Patent No. 1,977,587).

**Summary of Amendment and Reply to Office Action****A. Summary of Amendment**

In the amendment above, Applicant has revised dependent claims 8, 28, 29, and 30 by changing their preambles to be consistent with the independent claims from which they depend.

More particularly, each of claims 8, 28, 29, and 30 has been amended to refer to an "in-line skate" rather than to a "chassis," inasmuch as each of claims 7, 9, and 12, from which the amended claims depends, refers to an "in-line skate."

In addition, claim 7 has been amended to correct an inadvertent error. More particularly, in claim 7 the following subparagraph has been amended as follows:

one longitudinally extending medial flange extending downwardly from said foot-bearing portion, said medial lateral flange comprising a metal, said metal at least partly including aluminum;

Entry of the amendments to claims 7, 8, and 28-30 is requested. Although none of these claims has been rejected for reasons related to the amendments being made here, Applicant submits that the amendments only requires a cursory review and that the amendments improve

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the form of the claims.

In addition, because no new claims are added, no new issues are raised that would require further consideration or search, entry of the amendment is requested.

**B. Reply to Office Action**

Applicant kindly requests that the rejection of claims 7-12 and 28-30 be reconsidered and withdrawn, at least for the following reasons.

As the Examiner points out, the rejected claims do not include the limitation, that appears in certain of the allowed claims, relating to a rib (or boss) extending in a non-straight line (or similar language).

However, Applicant requests withdrawal of the rejection for the reason that the two references relied upon in the rejection, viz., MYERS and MacDONNELL, would have been found incompatible by those skilled in the art of skate frames.

The rejection is premised upon the following statement (middle of page 3 of the final Office action):

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the chassis of Myers et al. with the improvement of the intermediate portion having been made by pressing, substantially non-coplanar with the bottom portion as taught by MacDonnell in order to have attractive appearance peculiar to the chassis.

First, the frame (*i.e.*, "chassis") of MYERS is not made by pressing. Instead, it is made by extrusion. (The Examiner's comment at the top of page 3 of the final Office action that the bowed portion 32 of MYERS is made by pressing is believed to have been an inadvertent error.)

It is the intention of MYERS that the body of his chassis have a substantially constant transverse cross section along its length (see column 3, lines 1-3 and column 4, lines 16-17), *i.e.*, thereby enabling the chassis to be manufactured by an extrusion process, thereby resulting

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in a frame that is typically stronger than a frame made by the other two known construction techniques described in Applicant's specification.

In contrast, the frame of MacDONNELL, intended to be used with ice skates rather than in-line skates, is made with punches and dies. See, e.g., the left column, lines 31-34 of MacDONNELL.

During the interview with the Examiner on October 2, 2002, Applicant's undersigned representative brought a sample of a roller skate frame made by extrusion and a sample of a roller skate frame that employs the technique using pressing/stamping of a metal sheet.

Before Applicant directs further attention to the construction technique disclosed by MacDONNELL, he will summarize the three construction techniques described in his specification. First, as mentioned in the final paragraph on page 2 and in the first paragraph on page 3, it is known to use a technique that relies upon bending a metal sheet (as noted on page 2 of the specification, see DE 10 33 569, for example), although such frames typically are not mechanically strong, unless the metal sheet is made excessively thick. MacDONNELL employs such technology, or related technology.

Second, as mentioned in the second paragraph on page 3 of the specification, frames are known to be constructed by molds.

Third, as mentioned in the final two paragraphs on page 3 of the specification, frames are known to be constructed by extrusion, whereby a constant cross section profile is produced which is subsequently machined according to a predetermined design by removing material. As noted, U.S. Patent No. 5,388,846 discloses the extrusion technique.

As mentioned above, in contrast to the extrusion technique employed by MYERS, the frame of MacDONNELL is made with punches and dies. A longitudinally extending tubular section 10 is made in the frame side sections 4, 5, which are welded together, but provide a groove in the lower edge to receive a runner 6. See the left column, lines 48-55. An objective of MacDONNELL is to produce a strong frame (made of steel or a light weight alloy, as

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mentioned in the left column, lines 38-44), but one that is light in weight.

Persons skilled in the art would not employ a pressing technique in a frame that is initially made by extrusion (and completed with machining/milling to remove portions of the extruded material. Once the extruded profile has been made, there is no flat sheet to press. In addition, and more important, by means of the extrusion technique those skilled in the art would recognize that the frame is inherently strong so that any pressing thereof would be unnecessary. That is, further pressing of an extruded profile would not be found to strengthen the extruded profile beyond that which had been, or could have been, achieved by extrusion. Thus, complicating the constructional technique by adding pressing of the frame would only add cost without an added benefit.

As explained on page 2100-125 of the MPEP, "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)."

At least in view of the foregoing, Applicant requests that the rejection based upon the combination of MYERS and MacDONNELL be withdrawn.

#### SUMMARY AND CONCLUSION

Entry of the clarifying amendment is kindly requested. No new claims have been added and no new issues have been raised that would require additional consideration or search.

In addition, Applicant kindly request that the Examiner reconsider and withdraw the sole rejection, viz., the rejection of claims 7-12 and 28-30 over MYERS and MacDONNELL.

No fee is believed to be necessary at this time. However, the Commissioner is authorized to charge any fee required for acceptance of this reply as timely and/or complete to Deposit Account No. 19-0089.

Further, although no extension of time is believed to be necessary at this time, if it were to be found that an extension of time were necessary to render this reply timely and/or complete,

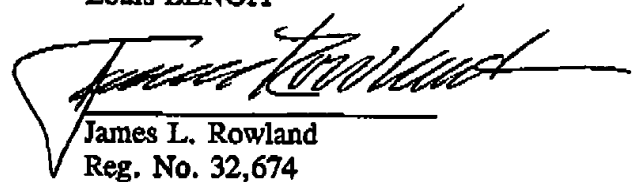
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Applicant requests an extension of time under 37 CFR §1.136(a) in the necessary monthly increment that would render this reply timely and/or complete and, in that event, the Commissioner would be authorized to charge any necessary extension of time fee under 37 CFR §1.17 to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to the undersigned at the telephone number given below.

Respectfully submitted,  
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I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. (703) 872 - 9327) on May 29, 2003.



Signature (James L. Rowland, Reg. No. 32,674)

5/29/03  
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